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RELEASER: BRUCE ZEPLIN AND BRYN CAN
4475 ENGINEER COURTHOUSE PLAZA
1200 CLAREMONT BOULEVARD, STE. 1400

Note attached communication from the Examiner

This notice is issued in view of applicant's communication filed

NOTICE OF ALLOWANCE
AND ISSUE FEE DUE

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/734,195	10/06/97	0/05	KELLEY, L	12/11 04/30/97

First Named
Applicant

SCHMITT, BRUCE L., HERIBERT

TITLE OF
INVENTION

DERIVED POLYPTPA COMPLEXES, PHARMACEUTICAL AGENTS CONTAINING THESE
COMPLEXES, THEIR USE, AND PROCESSES FOR THEIR PRODUCTION

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1	NCB14412	424-009,364	NS1	UTILITY	NO	\$1,290.00	07/30/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/319,357	10/06/94	SCHMITT-WILLICH	H SCH1412
EXAMINER			
12M1/0430		KELLEY, L	
ART UNIT	PAPER NUMBER	43/R	
1211			
DATE MAILED:		04/30/97	

NOTICE OF ALLOWABILITY

PART I

- This communication is responsive to Amendments filed 3/21/97, 4/3/97 + 4/24/97 + interview 4/2.
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 2-9, 11, 13, 14, 16, 18-26, 29, 30, 32, 36-40 + 44-49 4/2.
- The drawings filed on _____ are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received; been filed in parent application Serial No. 7/549,530, filed on 6-28-90.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413(2).
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 13. CORRECTION IS REQUIRED.
 - The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413(2)
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

Art Unit: 1211

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 2-9, 11, 13, 14, 16, 18-26, 29, 30, 32, 36-40 and 44-49, drawn to a method of enhancing an NMR image using a DTPA derivative, classified in class 424, subclass 9.364.
 - II. Claims 50 and 51, drawn to a method of imaging using a contrast agent which has renal and extrarenal excretion, classified in class 424, subclass 9.36.
2. The inventions are distinct, each from the other because of the following reasons:
Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation since the method of Group II does not require the special technical feature of the DTPA derivative.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Brion Heaney on April 25, 1997 a provisional election was made without traverse to prosecute the invention of Group I, claims 2-9, 11, 13, 14, 16, 18-26, 29, 30, 32, 36-40 and 44-49.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Art Unit: 1211

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brion Heaney on April 25, 1997.

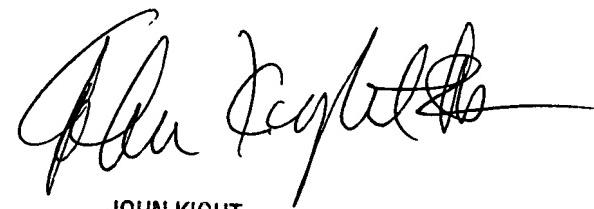
The application has been amended as follows:

Cancel claims 50 and 51, non-elected without traverse as above, without prejudice in favor of divisional prosecution.

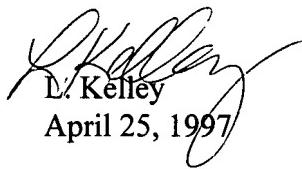
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lara Chapman Kelley whose telephone number is (703) 308-0450. The examiner can normally be reached on Mondays through Thursdays and alternate Fridays from 7:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kight, can be reached on (703) 308-0204. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



JOHN KIGHT
SUPERVISORY PATENT EXAMINER
GROUP 1200



D. Kelley
April 25, 1997